

## **NORFOLK, VIRGINIA**

### **ACTION OF THE COUNCIL**

**TUESDAY, DECEMBER 17, 2013 – 7:00 P.M.**

Prayer offered by Councilwoman Angelia Williams, followed by the Pledge of Allegiance.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

#### **Motion adopted.**

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

#### **CERTIFICATION OF CLOSED MEETING**

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

**ACTION:** The Resolution as introduced was **adopted**, effective December 17, 2013.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

## INVITATION TO BID

IB-1

**INVITATION TO BID** scheduled this day, under State law, public notice having been inserted in the local press by the City Clerk, to accept bids for a fifteen year lease of **Harbor Park Stadium** for the operation of a Class AAA Minor League Professional Baseball Team.

Thereupon, An Ordinance entitled, “An Ordinance accepting the Bid submitted by Tides Baseball Club, LP for a fifteen year lease of Harbor Park Stadium for the operation of a Class AAA Minor League Professional Baseball Team,” was introduced in writing and read by its title.

Jonathan Reed, 150 W. Main Street, the applicant, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective January 17, 2014.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

## PUBLIC HEARINGS

PH-1

**PUBLIC HEARING** scheduled this day pursuant to action of the Council on **November 26, 2013**, under State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the conveyance by **Deed of Gift and Donation to the Commonwealth of Virginia**, acting by and through its **Department of Transportation**, of certain portions of property owned by the City of Norfolk, located in Isle of Wight County, along with a temporary construction easement, for purposes of right of way expansion.

Thereupon, an Ordinance entitled, “An Ordinance approving the conveyance by Deed of Gift and Donation to the Commonwealth of Virginia, acting by and through its Department of Transportation, of certain portions of property owned by the City of Norfolk, located in Isle of Wight County, along with a Temporary Construction Easement, for purpose of right of way expansion,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective January 17, 2014.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

**PH-2**

**PUBLIC HEARING** scheduled this day pursuant to action of the Council **November 26, 2013**, under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **City of Norfolk**, to amend the **Zoning Ordinance of the City of Norfolk, 1992**, to repeal **Section 11-29, Localized Alternative Sign Overlay SO AS TO** revise **Localize Alternative Sign Regulations of the Waterside** and to update sign regulations for additional tourist venues in the vicinity of **Town Point**.

Thereupon, an Ordinance entitled, “An Ordinance to amend Section 11-29 of the **Zoning Ordinance of the City of Norfolk, 1992 SO AS TO** revise localize alternative sign regulations of the Waterside and to update sign regulations for additional tourist venues in the vicinity of Town Point,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective December 17, 2013.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

**PH-2A**

An Ordinance entitled, “An Ordinance to apply the Localized Sign Overlay District for the Town Point Sign Overlay District to property generally located on the South Side of Waterside Drive between Atlantic Street and West Plume Street,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective December 17, 2013.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-3

**PUBLIC HEARING** scheduled this day pursuant to action of the Council **November 26, 2013**, under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Willoughby Avenue, LLC**, to change the zoning from R-11 (Moderate Density Multi-Family) District to I-5 (Deep Waterfront Industrial) District on properties located at **1801-1817 Claiborne Avenue, 1800-1820 Willoughby Avenue, 415 Reeves Avenue, and 408-412 Rose Avenue.**

Tom Ackiss, 2401 Lookout Court, the applicant, was present to answer questions.

Thereupon, an Ordinance entitled, “An Ordinance to rezone properties located at **1801 to 1817 Claiborne Avenue 1800 to 1820 Willoughby Avenue, 415 Reeves Avenue and 408 to 412 Rose Avenue** from R-11 (Moderate Density Multi-Family Residential) District to I-5 (Deep Waterfront Industrial) District,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective December 17, 2013.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-4

**PUBLIC HEARING** scheduled this day pursuant to action of the Council **November 26, 2013**, under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **City Planning Commission**, on behalf of the **Planning Department** to amend the **Zoning Ordinance of the City of Norfolk, 1992**, multiple **Sections of Chapters 2, 5, 6, 7, 8, 13 and 14** to codify existing provisions in tabular format.

Thereupon, an Ordinance entitled, “An Ordinance to amend and reordain portions of Chapters 2, 5, 6, 7, 8, 13 and 14 of the **Zoning Ordinance of the City of Norfolk, 1992**, in order to codify existing development standards into tabular format,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective December 17, 2013.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

## CONSENT AGENDA

C-1

Letter from the City Manager recommending a public hearing be held to hear comments on the Amendment to a Lease with **Cleo Ruby, Inc. (Todd Jurich's Bistro)** to adjust the rental rate and to extend the term of the lease for an additional five (5) years on property located at 150 West Main Street.

**ACTION:** City Clerk authorized to advertise for a public hearing on January 14, 2014.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

## REGULAR AGENDA

R-1

Letter from the City Manager and an Ordinance entitled, "An Ordinance authorizing the City to participate in **Health and Behavioral Health Care Programs through Administrative Services Organizations, Managed Care Organizations, and Insurance Providers** for the reimbursement of services provided by the City of Norfolk," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective December 17, 2013.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-2

Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting the offer of the **Virginia Stage Company** to donate to the City of Norfolk, the property located at **108 E. Tazewell Street**, commonly known as the Wells Theatre, in accordance with the Agreement of Conveyance, Termination of Lease, and Lease; authorizing the City Manager to accept a Deed of Gift; and approving the expenditure of the sum of \$3,000.00, from funds heretofore appropriated to cover the cost of title insurance and related expenses," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective December 27, 2013.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Kirk Krumpp** to encroach 9” into Granby Street with a 46” by 99” sign installed on the building façade at **213 Granby Street**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective December 17, 2013.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-4

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **David Chang & Jane Chang** properties, L.L.C., permission to encroach into a 15” alley between the 400 blocks of W. 20<sup>th</sup> and W. 21<sup>st</sup> Streets with an existing 13’ by 8.7’ stockade fence 6’ high, enclosing a dumpster behind **421 W. 21<sup>st</sup> Street**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective December 17, 2013.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Cape Henry Audubon Society** to encroach into Armistead Bridge Road right-of-way up to 33’ ± with a 6’ chain link fence, and across property the City of Norfolk is acquiring from **Norfolk Southern Railway Company** with a 6’ chain link fence,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective December 17, 2013.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Garland Kight** to encroach into **5151 Stanart Street** with an existing chain link fence and gravel storage lot,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective December 17, 2013.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-7

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **421 Granby, LLC** to encroach into the right of way of **Granby Street**, approximately six feet (6’) with two awnings,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective December 17, 2013.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-8

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting permission to **SLNWC Residential Company, L.L.C.** to encroach into the right of way of **420 Monticello Avenue** with an outdoor dining area and metal fence and approving the terms and conditions of the Encroachment Agreement,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective December 17, 2013.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-9

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving a Tenth Lease Amendment to the Office Lease between **St. Paul Associates, L.L.L.P. and the City of Norfolk** relative to certain premises know as Suites 200, 202, and 205, located in the **St. Paul Office Building**; authorizing the expenditure of the sum of \$26,152.50 from the funds heretofore appropriated to cover the payments required for the remainder of the Fiscal Year 2013-2014; and authorizing the City Manager to execute the Amendment on behalf of the City of Norfolk,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective December 17, 2013.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-10

Letter from the City Manager and an Ordinance entitled, “An Ordinance to **cancel certain regular meetings** of the Council of the City of Norfolk,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective December 17, 2013.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.



R-11

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting \$7,829.32 from the **Schools and Libraries Division of the Universal Service Fund E-Rate Grant Program** and appropriating and authorizing the expenditure of \$7,829.32 for telecommunications and technology services for the **Norfolk Public Library**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective December 17, 2013.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-12

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing the City Manager to negotiate a Lease Agreement between **NRHA Arts Education Limited Partnership and the City of Norfolk** for the property located at **254 Granby Street** in substantial conformity with the Lease Agreement attached hereto as Exhibit A, authorizing the City Manager to execute the Lease Agreement on behalf of the City; and authorizing the expenditure of the sum of \$57,118.00 from the funds heretofore appropriated to cover the lease payments for the remainder of the fiscal year,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective December 17, 2013.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

### **CEREMONIAL MATTERS**

President Fraim read the following Resolution for Vice Mayor Anthony Burfoot, who served the City for eleven and one-half years, extended thanks and appreciation for his leadership and dedicated services to the citizens of the City of Norfolk.

**WHEREAS**, Anthony L. Burfoot served as a member of the Norfolk City Council from July 1, 2002 until December 31, 2013, serving as Vice Mayor from July 1, 2007 until his retirement; and

**WHEREAS**, prior to his election to the City Council he served on the Economic Development Authority, and as a member of city council served on the Governor's Commission for Health Reform, the Hampton Roads Regional Jail Authority and the Hampton Roads Planning District Commission; and

**WHEREAS**, during his time in office he represented the citizens of Norfolk and the residents of Ward 3 with highest honor and great distinction, and made numerous and important contributions to the city's remarkable achievements; and

**WHEREAS**, it is important to recognize his leadership and the instrumental role he played in the redevelopment of Broad Creek and in revitalization efforts in the Fairmont Park and Norview areas of the city.

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the City of Norfolk hereby extends its deep thanks and appreciation to Anthony L. Burfoot for eleven and one-half years of dedicated service to the city and to its citizens; and

**BE IT FURTHER RESOLVED**, that this resolution be recorded in the permanent proceedings of the Council and a copy thereof be presented to Anthony L. Burfoot.

### **NEW BUSINESS**

1. Dan Montague, 4605 Krick Street, commented on senior tax relief and the change in school board terms included in the legislative package that was voted on by city council.
2. Raytron White, 2957 Kimball Terrace spoke regarding street sweeping tickets in the Kimball Terrace section on certain dates.
3. Donald Hornstein, 1309 Stockley Gardens, spoke regarding his concerns for the building at 161 Granby Street.
4. Tony Rankins, 312 E. Liberty Street, spoke regarding over aggressive police offices in Berkley on his premises.
5. Danny Lee Ginn, 3844 Dare Circle, commented on good government.